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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,294	09/11/2003	Milton Davila	68876	5437

7590 11/16/2004
James Sanders
26 Woodland Drive
Amherst, NH 03031

EXAMINER

TRAIL, ALLYSON NEEL

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/660,294	Applicant(s) DAVILA ET AL.	
	Examiner Allyson N Trail	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/11/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the Amendment filed August 26, 2004.

Specification

2. The disclosure is objected to because of the following informalities:

Please list the parent data under the heading "CROSS-REFERENCE TO RELATED APPLACATIONS", i.e., application number 10/056739, now patent number 6,666,378.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 48-53, and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorber (6,003,254) in view of Dawson (5,761,836).

Lorbor teaches the following in regards to claims 48, 53, and 77:

"A Combined greeting card and record sleeve in a side-fold design, incorporating in the front-sheet a phonographic record-sleeve as a pocket in which to receive an audio disc with a central die-cut to expose the label or logo of the disc received; and a back-sheet of relative size and dimension to the front-

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sheet on which is contained on the inside panel general greeting card indicia.”

(Abstract).

Shown in figure 1 is a card body including an outer and inner panel, both of which include a first and second face. The figure shows the first face of the inner panel and the first face of the outer panel facing each other. Also shown is a hole 2.1 in the second face of the inner panel, in which the machine readable storage medium can be viewed. The inner panel includes a pocket for receiving records.

Lorbor teaches the following in regards to claims 49 and 77:

Figure 2 shows the machine readable storage medium being retained between the inner panel first face and the other panel first face.

Lorbor teaches the following in regards to claims 50-53 and 77:

“It is the object of this invention to provide a greeting card when combined with a record sleeve can receive a prerecorded audio disc reflecting a portion of the greeting card indicia.” (Col. 1, lines 42-45).

Although Lorbor teaches an opening for viewing the machine readable storage medium and a sleeve for holding the machine readable storage medium, Lorbor fails to specifically teach the opening itself receiving the machine readable storage medium.

Dawson teaches the following in regards to claim 48:

Figure 1 shows a card assembly. The card body includes indicia inscribed thereon. For example, the card may be marked for various occasions such as birthday, Valentines' day, New Years' day, wedding day, birth of a baby,

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anniversary, sporting occasion, "get well" wish, or holiday greeting. (Col. 2, lines 21-34).

Figure 1 shows a first opening 3a and a second opening 4a.

The openings may contain the following: "a lottery scratch card, ticket, photograph, compact disc, bank note, cheque, or the like." (Col. 2, lines 2-5).

The computer readable storage medium as disclosed above comprises an audio compact disc. (Col. 2, lines 2-5).

Dawson also teaches the following in regards to claims 60, 70, 71, 80, and 81 (for later reference):

"The card may be a flat card such as a postcard or may have two or more leaves which fold together." (Col. 2, lines 11-12). Although in figure 1 only one fold line is shown, Dawson teaches that the greeting card may include more than two leaves folded together. It is clear from the teachings, that various configurations of folding are suggested by Dawson.

In view of Dawson's teachings it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the slots for receiving the machine readable storage medium as disclosed by Dawson in combination with placing the machine readable storage medium on the outer face and viewing the machine readable storage medium from the exterior of the greeting card as taught by Lorber. Both Lorber and Dawson teach a greeting card, which includes the ability to hold a machine readable storage medium. One would be motivated to use Dawson's slots for holding the machine readable storage medium in order to hold additional contents. As stated above, the slots

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may hold a lottery scratch card, a ticket, a photograph, a compact disc, a bank note, a cheque, or the like.

5. Claims 54-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorber in combination with Dawson and in view of Bradley (5,946,834).

Lorber's teachings in combination with the teachings of Dawson are discussed above. The combination teaches the limitations disclosed in claims 55-71. Specifically, Lorber teaches above, die cutting the opening, and a first fold line. As shown in figure 2, the card is folded in a side folding manner, and when folded, conceals the machine readable storage medium. Also the folding creates a first and second panel. As stated above, the multiple slots taught by Dawson provide a second opening for various contents. Additionally, Dawson shows in figure 1 the card folding in a top folding manner and also teaches multiple fold lines. Lastly the combination of Dawson and Lorber teach a first and second opening being located on both the first and second panels. The combination however fails to teach forming the card body from a die cut blank.

Bradley teaches the following in regards to claim 54:

FIG. 1 illustrates the card 10 in an unfolded configuration in which it is automatically die cut and printed upon one or both sides of each of the panels by automated die cutting and printing machinery as well known in the art.

In view of Bradley's teachings it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bradley's method of cutting the greeting cards. Although not specifically taught by Dawson in combination with Lorber, it would have been obvious to use Bradley's method

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of die-cutting the greeting cards. Die-cutting is a method used to precisely cut or separate different materials. One would be motivated to use the die-cut method to form the body of the card in order to accurately form the body in the exact desired formation.

6. Claims 72-76, 78, 79, 80, and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorber in combination with Dawson and Bradley and in further view of Hodes (2002/0088855).

Lorber's teachings in combination with the teachings of Dawson and Bradley are discussed above. The combination teaches using tabs to receive gift cards (regarding claim 75). The combination however fails to teach a gift card extending from the card body so as to allow reading of the machine readable portion by a machine, wherein the attachment portion comprises an adhesive.

Hodes teaches the following in regards to claims 72-77:

Figures 22-27 shows a card including a gift card extending from the card body so as to allow reading of the machine readable portion by a machine.

"The attached card can be plastic, laminated plastic with two or more layers, a single piece of material such as plastic, paper, or any other combination of materials or composites. The card is attached by the use of any adhesive or tape available on the market today." (Paragraph 0093).

In view of Hodes' teachings it would have been obvious to one of ordinary skill in the art at the time the invention was made to attach a gift card to the greeting card so as to allow reading of the machine readable portion by a machine. As Hodes teaches in paragraph 0072, "The card is attached to the

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package in such a way that the magnetic strip can be swiped or the bar code scanned or the chip processed by a device at point of purchase preferably without requiring the package to be torn, opened, or destroyed.” One would be motivated to attach the gift card in such a way to ensure that the greeting card is not destroyed.

Response to Arguments

7. Applicant should submit an argument under the heading “Remarks” pointing out disagreements with the examiner’s contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them. The applicant’s current “Remarks” simply state that claims 1-47 have been cancelled and claims 48-81 have been added.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.trail@uspto.gov].

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All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Allyson N. Trail
Patent Examiner
Art Unit 2876
November 9, 2004

Jared J. Fureman
JARED J. FUREMAN
PRIMARY EXAMINER